

1 ANTON N. HANDAL, ESQ (SBN: 113812)
 2 PAMELA C. CHALK, ESQ. (SBN: 216411)
 3 GABRIEL G. HEDRICK, ESQ. (SBN: 220649)
 4 **HANDAL & ASSOCIATES**
 5 1200 Third Avenue, Suite 1321
 San Diego, CA 92101
 Tel: 619.544.6400
 Fax: 619 696.0323

6 Attorneys for Plaintiff

7

8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

10

11 WELLTEC MACHINERY USA, INC., a
 12 California Corporation as assignee of WELLTEC
 13 MACHINERY, LIMITED, a Hong Kong
 registered Company,

14 Plaintiff,

15 v.

16 TAYLOR'S INDUSTRIAL SERVICES, LLC
 17 a/k/a HPM DIVISION, and DOES 1 through 100.
 18 Defendants.

} Case No.: 08CV0877 BEN (LSP)
 } **DECLARATION OF GABRIEL G.**
 } **HEDRICK IN OPPOSITION TO**
 } **DEFENDANT TAYLOR'S**
 } **INDUSTRIAL SERVICES, LLC'S**
 } **MOTION TO DISMISS; OR, IN THE**
 } **ALTERNATIVE, TRANSFER VENUE**
 } **OR STAY PROCEEDINGS PENDING**
 } **ARBITRATION**
 } Date: June 30, 2008
 } Time: 10:30 a.m.
 } Judge: Roger T. Benitez
 } Ctrm: 3

19
 20 I, Gabriel G. Hedrick, declare:

21 1. I have personal knowledge of the matters set forth herein, except for those
 22 matters stated under information and belief. If called as a witness, I could and would
 23 competently testify thereto.

24 2. I am an attorney licensed to practice law in the State of California and a member
 25 of the California State Bar. I am an associate with the law firm of Handal & Associates,
 26 attorneys of record in this matter for Plaintiff Welltec Machinery USA, Inc. ("Welltec").

27 3. Welltec filed its complaint in this action (the "Complaint") in the Superior Court
 28 of California, County of San Diego on January 28, 2008.

1 4. I am informed and believe defendant is an Illinois limited liability company.
 2 Attorney William M. Biederman is listed with the State of Illinois as the agent for service of
 3 process for Defendant. Attached hereto as Exhibit A is a true and correct copy of a computer
 4 printout of the "LLC File Detail Report" as of February 1, 2008 for Defendant taken from the
 5 web site of the Illinois Secretary of State. After conducting an internet search for Mr.
 6 Biederman, I noted his address as listed on the Report was not current. I was able to locate
 7 what I believed to be his current address on the internet. Because Mr. Biederman was located at
 8 an address and law firm different than that listed with the Illinois Secretary of State, it appeared
 9 to me that he likely was no longer authorized to accept service of process on behalf of
 10 Defendant and that the summons and complaint would need to be served on a corporate officer.

11 5. I am informed and believe Christopher A. Filos is the President and CEO of
 12 Defendant, and that Joseph A. Filos, Jr. and Douglas E. Filos are each Vice Presidents of
 13 Defendant. Attached hereto as Exhibit B is a true and correct copy of a computer printout from
 14 Defendant's web site purportedly identifying the management of the company.

15 6. I am informed and believe and thereon allege Defendant was served with a copy
 16 of the summons and complaint on March 3, 2008. Attached hereto as Exhibit C are true and
 17 correct copies Certified Mail Receipts reflecting delivery on Defendant's corporate officers,
 18 Christopher Filos, Joseph E. Filos, Jr., and Douglas E. Filos as well as Defendant's agent for
 19 service of process, Mr. Biederman, as identified by the Illinois Secretary of State.

20 7. In preparing the proof of service of summons, I noted that the appropriate boxes
 21 at the bottom of page 1 of the summons served on Defendant had not been checked.
 22 Accordingly, I instructed my secretary to fill in the correct information at the bottom of the
 23 summons and to resend the summons by certified mail to Christopher Filos. Because Mr.
 24 Biederman's status as agent for service of process was doubtful, because Mr. Filos had already
 25 accepted service of the summons on March 3, 2008, and because he is identified on Defendant's
 26 web site as the company CEO, I instructed my secretary to re-serve him only.

27 8. I am informed and believe my secretary mailed the service of summons by
 28 certified mail on March 7, 2008. A true and correct conformed copy of the proof of service of

1 summons filed March 7, 2008 in the San Diego Superior Court is attached hereto as Exhibit D.
 2 A true and correct copy of the certified mail receipt showing service of the amended summons
 3 is attached hereto as Exhibit E.

4 9. On March 24, 2008, I spoke to Timothy Riedel of Bailey Cavalieri LLC who
 5 identified himself as an attorney for Defendant. Mr. Riedel initially requested an extension of
 6 time to respond to the Complaint. I informed Mr. Riedel that, under California law, service on
 7 an out-of-state defendant via certified mail was deemed complete 10 days after mailing. We
 8 agreed that Defendant had until April 14, 2008 to respond to the Complaint and that an
 9 extension of time was not yet necessary. Attached hereto as Exhibit F is a true and correct copy
 10 of a March 24, 2008 email from Mr. Riedel to me summarizing the above-referenced telephone
 11 conversation.

12 10. Between March 24, 2008 and the end of April or beginning of May, Mr. Riedel
 13 and I exchanged several offers and demands, but no settlement was reached.

14 11. In the meantime, on Friday, April 11, 2008, Mr. Riedel telephoned me and
 15 requested a 30-day extension of time to respond to the Complaint. I agreed. At the time, I was
 16 not aware of Local San Diego Superior Court Rule 2.1.6, a true and correct copy of which is
 17 attached as Exhibit A to the Request for Judicial Notice filed herewith.

18 12. On Monday, April 14, 2008, Mr. Riedel sent me an email confirming the
 19 extension. A true and correct copy is attached hereto as Exhibit G. I responded shortly
 20 thereafter confirming the extension, but notifying Mr. Riedel that I had just become aware of
 21 Local Rule 2.1.6. I requested that in light of the local rule, Mr. Riedel should prepare a
 22 stipulation and proposed order which I would sign and which would request an order approving
 23 a 30-day extension of time to respond to the Complaint. Although the parties previously agreed
 24 the response date was April 14, 2008, I erroneously identified the response due date as April 16,
 25 2008. A true and correct copy of my email is attached hereto as Exhibit H.

26 13. Unprompted, I again notified Mr. Riedel by email dated April 23, 2008 of the
 27 need for an order from the Court to extend the deadline to respond to the Complaint beyond 15
 28 days. A true and correct copy of said email is attached hereto as Exhibit I.

1 14. Later on April 23, 2008, I spoke to Mr. Riedel who informed me that he would
2 wait until the allowed 15-day extension neared at which point he would revisit the need for an
3 extension beyond that date.

4 15. On April 30, 2008, I was out of town at a hearing in another matter. I am
5 informed and believe Mr. Riedel telephoned my office at that time and spoke to Anton Handal
6 who had not been a party to the previous discussions between counsel. I am further informed
7 and believe Mr. Riedel requested an additional extension of time to respond to the Complaint as
8 he and I had previously agreed to in principal. I am informed and believe Mr. Handal agreed
9 that Plaintiff's would consent to an extension to mid-May for Defendant to respond to the
10 Complaint. A true and correct copy of an email and letter from Mr. Riedel to Mr. Handal
11 summarizing their conversation is attached hereto as Exhibit J.

12 16. On May 6, 2008, in light of Mr. Riedel's discussion with Mr. Handal and my
13 previous discussions with Mr. Riedel regarding the need for a Court order extending the time to
14 respond to the Complaint, I forwarded Mr. Riedel the proper form needed for obtaining the
15 necessary Court order to extend the response date beyond 15 days. A true and correct copy of
16 my email and the attached form are attached hereto as Exhibit K. I do not believe I was
17 required to provide Mr. Riedel with the appropriate form requesting additional time. In fact, in
18 light of Defendants' knowing failure to obtain a Court order approving an extension of time
19 beyond 15 days, I believe my client was entitled to request entry of default against Defendant.
20 However, because Mr. Riedel and I had been engaged in what I thought were good faith
21 settlement discussions and because we had agreed in principal to an additional extension, I
22 declined to request entry of default and provided Mr. Riedel with the appropriate form in the
23 spirit of cooperation and professionalism and in an attempt to allow the parties additional time
24 to discuss settlement. Mr. Riedel never responded to my email and no request was ever made to
25 the Court for additional time to respond to the Complaint.

26 17. At no point in any of my discussions with Mr. Riedel did we ever discuss a
27 transfer of the matter to Ohio or any arbitration requirement.

28 18. At 8:54 p.m. on Monday, May 19, 2008, Tanya Schierling sent me an email

1 which, for the very first time raised the issue of an arbitration clause and for the very first time
 2 suggested a stipulation to transfer the case to Ohio. Attached hereto as Exhibit L is a true and
 3 correct copy of said email.

4 19. Since the above-referenced email was sent at nearly 9 p.m., I did not receive it
 5 until the following day, Tuesday, May 20, 2008. My contact at Welltec is located in Hong
 6 Kong which is 15 hours ahead of San Diego. I therefore could not contact the client during the
 7 day.

8 20. At this time, Anton Handal of my office was in Hong Kong. At or around the
 9 end of the day on Tuesday, May 20, 2008 (the morning of May 21, 2008 in Hong Kong), I
 10 learned from Mr. Handal that he would be meeting our client contact on Thursday, May 22nd.
 11 On May 21, 2008, I telephoned Ms. Schierling and left her a voice mail notifying her of the
 12 difficulty caused by the time difference to Hong Kong and obtaining a prompt response to her
 13 client's requests. I further informed Ms. Schierling that Mr. Handal was scheduled to meet with
 14 our client contact in Hong Kong on Thursday, Hong Kong time and that Mr. Handal would
 15 discuss Defendant's requests with the client at that time. Ms. Schierling confirmed receipt of
 16 my voicemail by email dated that same day. A true and correct copy of said email is attached
 17 hereto as Exhibit M.

18 21. Later on the evening of May 21st (early morning, May 22nd in Hong Kong), I
 19 learned our client contact was in China and not able to return to Hong Kong until late in the
 20 evening on May 22nd. He and Mr. Handal were therefore forced to reschedule their meeting for
 21 Friday May 23rd. I notified Ms. Schierling of the rescheduled meeting by email on May 22,
 22 2008, a true and correct copy of which is attached hereto as Exhibit N. Plaintiff agreed to
 23 stipulate to a venue transfer, but because of the time difference, I did not learn of Plaintiff's
 24 position until the following week when Mr. Handal returned to the office.

25 22. On Tuesday, May 27, 2008, I emailed Ms. Schierling to notify her that my client
 26 would agree to a stipulation transferring venue to Ohio and to explain why I was not able to
 27 communicate the client's decision to her sooner. I also asked Ms. Schierling to provide me with
 28 a draft of the stipulation to review and sign. A true and correct copy of the email is attached

1 hereto as Exhibit O.

2 23. Ms. Schierling responded to my May 27 email on May 29, 2008. A true and
3 correct copy of said email is attached hereto as Exhibit P.

4 24. Attached hereto as Exhibit Q is a true and correct copy of an email I sent to Ms.
5 Schierling on June 4, 2008 regarding the proposed stipulation to transfer venue. Ms. Schierling
6 did not respond to this email.

7 25. On or about June 12 or 13, 2008, having received no further action by Ms.
8 Schierling regarding her proposed stipulation to transfer venue to Ohio and with the deadline to
9 oppose Defendant's motion approaching, I telephoned her to inquire as to the status of the
10 stipulation. Finally, on Friday, June 13, 2008, Ms. Schierling left me a voice mail confirming
11 that Defendant still wished to stipulate to the venue transfer. Because I was out of the office on
12 Friday afternoon, I did not receive her voice mail until the morning of June 16, 2008.

13 26. After receiving Ms. Schierling's voice mail and in an effort to expedite this
14 matter, I prepared and emailed Ms. Schierling a draft stipulation for her review the morning of
15 June 16. A true and correct copy of said email and the attachment are attached hereto as Exhibit
16 R. Relying on Ms. Schierling's agreement to stipulate to transfer venue to Ohio, I did not
17 prepare or file an opposition to Defendant's motion.

18 27. At no point during any of the emails or voice mail messages between myself and
19 defense counsel did they ever make any mention that recovery of its costs and attorney's fees
20 would be a precondition of a stipulation.

21 28. At 6:30 p.m., after the close of business on June 16, 2008, Ms. Schierling sent
22 me an email that, for the very first time, stated that payment of its costs and fees in the amount
23 of \$7,500 should be included as a condition of the stipulation. A true and correct copy of said
24 email is attached hereto as Exhibit S.

25 29. Attached hereto as Exhibit T is a true and correct copy of a computer printout
26 from Defendant's web site found at <http://www.hpmamerica.com>. Also attached hereto as part
27 of Exhibit T is a true and correct copy of a computer printout from Defendant's web site found
28 at http://www.hpamerica.com/menu-right/news-srolling/Do_you.html and which I accessed by

1 clicking the link entitled “Is your company located in California, Arizona, Utah, Nevada...”
2 which is found on the right hand side of Defendant’s web site under the topic “News.”

3 30. Attached hereto as Exhibit U is a true and correct copy of a computer printout of
4 a web page located at http://ubemachinery.com/contact/ne_reps which identifies a company
5 called DABR Industries, identifies a contact person for said company as J.R. Duff, and a
6 telephone number which is identical to the telephone number listed on the Defendant's web
7 page attached as part of Exhibit T.

8 31. Attached hereto as Exhibit V is a true and correct copy of a computer printout
9 from a web site entitled "The Free Library" and which contains a May 1, 1999 press release
10 regarding a purported business relationship between Defendant and DABR Industries.

11 32. Attached hereto as Exhibit W is a true and correct copy of a computer printout
12 from a web site entitled "High Beam Research" and which contains an April 5, 1999 press
13 release regarding Defendant's relationship with DABR Industries.

14 I declare under penalty of perjury of the laws of the United States that the foregoing is
15 true and correct. Executed this 17th day of June, 2008 at San Diego, California.



Gabriel G. Hedrick

EXHIBIT A



SERVICES PROGRAMS PRESS PUBLICATIONS DEPARTMENTS CONTACT

LLC FILE DETAIL REPORT

Entity Name	TAYLOR'S INDUSTRIAL SERVICES, L.L.C.	File Number	00518999
Status	NGS	On	02/01/2008
Entity Type	LLC	Type of LLC	Domestic
File Date	02/15/2001	Jurisdiction	IL
Agent Name	WILLIAM M. BIEDERMAN	Agent Change Date	02/15/2001
Agent Street Address	333 W WACKER DR STE 1800	Principal Office	820 W MARION RD MT GILEAD 43338
Agent City	CHICAGO	Management Type	MGR
Agent Zip	60606	Dissolution Date	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	2008
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

[Return to the Search Screen](#)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](#)

*
EXHIBIT B



Taylor's Plastics, Inc. - Home

About Us

Products

Press Releases

Careers

Management



Christopher A. Filos
President / CEO



Is your company located in
California, Arizona, Utah,
Nevada...

A new concept in small
tonnage retractable tie bar
injection molding machines.
the Freedom Autolock -
debuting at Plastivision
India 2007

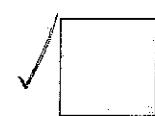
**Complete Plastics Systems
of Acworth, Georgia will
represent HPM...**

Management Team

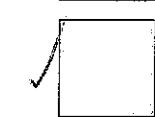
Management Team



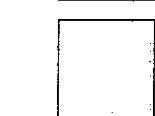
Christopher A. Filos
President/ CEO



Joseph A. Filos, Jr.
Vice President



Douglas E. Filos
Vice President



Gerard J. Sposato
Vice President of Sales and Marketing



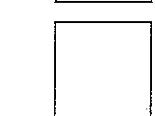
Harry M. Wiewohrtz
Vice President / General Manager
of Injection Molding



Richard A. Bistner
Director of Worldwide Operations Support



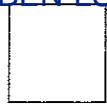
Eugene Byrd
Director of Material Control



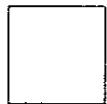
John Rexford
Director of Product Development



- Request Information
- Request a Quote
- Newsletter
- Press Releases
- Glossary
- Management Team
- Contact Us
- History
 - Taylor's
 - HPM



Director of Engineering



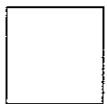
Charles Clark
Director of Manufacturing



Jeff Hamner
Director of Info. Technologies



Dave Johnson
After Market Parts Manager



Mike Dotster
Mechanical Engineering Manager



Mike DeGraff
Product Manager

¶ Top

EXHIBIT C

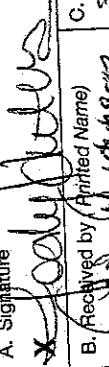
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph E. Slos, Jr.
1001
320 W. Union Road.
Mt. Gilead, OH
43338

COMPLETE THIS SECTION ON DELIVERY

A. Signature		<input checked="" type="checkbox"/> Agent
		<input type="checkbox"/> Addressee
B. Received by (Printed Name)		C. Date of Delivery
Joseph E. Slos, Jr.		3-19-04
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number
(Transfer from service label)

7007 1490 0001 2706 9700
PS Form 3811, February 2004
Domestic Return Receipt
102595-02-M-1540

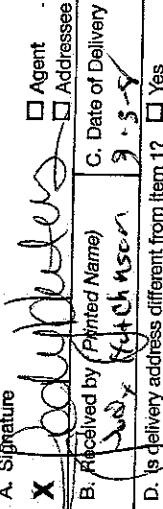
SENDER: COMPLETE THIS SECTION			
COMPLETE THIS SECTION ON DELIVERY			
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>			
<p>1. Article Addressed to:</p> <p><i>Christopher. firs Hpt 820 W Marion Road Mt. Pleasant, OH 43333</i></p>			
<p>A. Signature <i>Rocky Jutter</i></p>			
<p>B. Received by (Printed Name) <i>Rocky Jutter</i></p>		<p>C. Date of Delivery <i>3/3/08</i></p>	
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>			
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>			
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>			
<p>2. Article Number (Transfer from service)</p>		<p>7007 1490 0001 2706 9773</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt</p>			
<p>102598-02-M-1540</p>			

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Douglas e. fios
HPR
820 W. Marion Rd.
Mt Gilead, OH 43338

COMPLETE THIS SECTION ON DELIVERY			
<p>A. Signature</p> <p></p>			
<p>B. Received by</p> <p>(Printed Name) </p>		<p>Agent <input type="checkbox"/></p> <p>Addressee <input type="checkbox"/></p>	<p>C. Date of Delivery</p> <p>9-3-08</p>
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>			
<p>2. Article Number (Transfer from service) 7007 1490 0001 2706 9797</p>			
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>			
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>			
<p>PS Form 3811, February 2004 Domestic Return Receipt</p>			
<p>102595-02-14-1540</p>			

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

A. Signature		<input checked="" type="checkbox"/> <i>John Lee Johnson</i>	<input type="checkbox"/> Agent
		<input type="checkbox"/> Addressee	
B. Received by (Printed Name)		<i>Cherie K. Sutton</i>	C. Date of Delivery
		<i>3-3-08</i>	
D. Is delivery address different from item 1?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If YES, enter delivery address below:			
<p><i>William Biederman</i> <i>222 N. LaSalle St.</i> <i>Suite 1910</i> <i>Chicago, IL 60601</i></p>			
1. Article Addressed to:		3. Service Type	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service)		4. Restricted Delivery? (Extra Fee)	
7007 1490 0001 2706 9766		<input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	
		102505-02-M-1540	

EXHIBIT D

RECEIVED

MAR 11 2008

FILED

POS-010

CIVIL BUSINESS SECTION
FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gabriel G. Hedrick, Esq. 220649 Handal & Associates 1200 Third Avenue, Suite 1321 San Diego, CA 92101 TELEPHONE NO.: (619) 544-6400		MAR 11 2008
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		08 MAR -7 PM 2:53
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice		CLERK, SUPERIOR COURT SAN DIEGO COUNTY, CA MAR 7 2008 PM 1:15
PLAINTIFF/PETITIONER: Welltec Machinery USA, Inc.		CASE NUMBER: 37-2008-76792-CU-BC-CTL
DEFENDANT/RESPONDENT: Taylor's Industrial Services, LLC		Ref No. or File No.:
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (*served in complex cases only*)
 - e. cross-complaint
 - f. other (*specify documents*):
3. a. Party served (specify name of party as shown on documents served):
Defendant Taylor's Industrial Services, LLC a/k/a HPM DIVISION
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*)
Christopher Filos, Managing Member of Taylor's Industrial Services, CEO of HPM Division
4. Address where the party was served:
HPM, 820 W Marion Road, Mt. Gilead, OH 43333
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. by substituted service On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3)
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Welltec Machinery USA, Inc.	CASE NUMBER: 37-2008-76792-CU-BC-CTL
DEFENDANT/RESPONDENT: Taylor's Industrial Services, LLC	

5 c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date) 03/07/08 (2) from (city) San Diego

(3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ Proc., § 415 30)

(4) to an address outside California with return receipt requested. (Code Civ Proc., § 415 40)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached

6 The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.
 b. as the person sued under the fictitious name of (specify).
 c. as occupant.
 d. On behalf of (specify).

under the following Code of Civil Procedure section:

<input checked="" type="checkbox"/> 416 10 (corporation)	<input type="checkbox"/> 415 95 (business organization, form unknown)
<input type="checkbox"/> 416 20 (defunct corporation)	<input type="checkbox"/> 416 60 (minor)
<input type="checkbox"/> 416 30 (joint stock company/association)	<input type="checkbox"/> 416 70 (ward or conservatee)
<input type="checkbox"/> 416 40 (association or partnership)	<input type="checkbox"/> 416 90 (authorized person)
<input type="checkbox"/> 416 50 (public entity)	<input type="checkbox"/> 415 46 (occupant)
	<input type="checkbox"/> other:

7. Person who served papers

a. Name: Sylvia Owen
 b. Address: 1200 3rd Avenue, Suite 1321, San Diego, CA 92101
 c. Telephone number (619) 544-6400
 d. The fee for service was: \$
 e. I am:
 (1) not a registered California process server
 (2) exempt from registration under Business and Professions Code section 22350(b).
 (3) a registered California process server:
 (i) owner employee independent contractor
 (ii) Registration No:
 (iii) County:

8 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct

Date: March 7, 2008

Sylvia Owen

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

EXHIBIT E

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>1. Article Addressed to:</p> <p>Christopher e. files</p> <p>400 W. Marion Road Mt. Gilead, OH 43338</p> <p>2. Article Number (Transfer from service label): 7007 1490 0001 2706 9803</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>A. Signature</p> <p><i>Christopher e. files</i></p> <p>B. Received by (Printed Name) <i>Christopher e. files</i></p> <p>C. Date of Delivery <i>3-14-2008</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

EXHIBIT F

Gabriel Hedrick

From: Lori Patterson [lori.patterson@baileycavalieri.com] on behalf of Timothy Riedel [timothy.riedel@baileycavalieri.com]
Sent: Monday, March 24, 2008 11:17 AM
To: Gabriel Hedrick
Cc: Timothy Riedel
Subject: Taylor's Industrial/Welltec Machinery USA, Inc.
Attachments: Letter to Creditors pdf

Dear Mr. Hedrick:

As we discussed, attached is the proposal forwarded to unsecured nonpriority creditors. Please let us know if your client wishes to accept the proposal. As we further discussed, Taylor's Industrial has until April 14, 2008 in which to move or plead to the Complaint you filed on behalf of Welltec Machinery USA, Inc. in the Superior Court of California in and for the County of San Diego, Civil Division. We appreciate your willingness to grant an extension of time if one becomes necessary.

Very truly yours,

Tim Riedel

Timothy A. Riedel
 Bailey Cavalieri LLC
 10 West Broad Street, Suite 2100
 Columbus, Ohio 43215
 Phone: (614) 229-3288
 Fax: (614) 221-0479
 Timothy.Riedel@BaileyCavalieri.com

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EXHIBIT G

Gabriel Hedrick

From: Timothy Riedel [timothy.riedel@baileycavalieri.com]
Sent: Monday, April 14, 2008 11:16 AM
To: Gabriel Hedrick
Subject: Welltec Machinery v. Taylor's Industrial

Gabe: confirming our telephone conversation on Friday, April 11, 2008, I understand that your client Welltec Machinery has agreed to a thirty (30) day extension of time in which my client Taylor's Industrial is to move or plead to the complaint filed by Welltec Machinery. You stated that the Court does not require a stipulation or pleading to accomplish this extension. Please confirm that my understanding of the foregoing is correct. Thanks, Tim

Timothy A. Riedel
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215
Phone: (614) 229-3288
Fax: (614) 221-0479
E-Mail: Timothy.Riedel@BaileyCavalieri.com

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EXHIBIT H

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Monday, April 14, 2008 11:22 AM
To: 'Timothy Riedel'
Cc: Tony Handal
Subject: RE: Welltec Machinery v Taylor's Industrial

Confirmed The original response due date was April 16, 2008 Thus, the new response date will be May 16, 2008. In looking at the local rules (see Local Rule 216), it appears 15 days is the maximum time to extend the response time by mutual agreement. Accordingly, an order from the court will be necessary to extend the response date beyond May 1, 2008. As the party seeking the extension, I would request that your firm prepare a stipulation and proposed order and we will sign Please let me know if you have any questions. Thanks

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: <mailto:ghedrick@handal-law.com>

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From: Timothy Riedel [mailto:timothy.riedel@baileycavalieri.com]
Sent: Monday, April 14, 2008 11:16 AM
To: Gabriel Hedrick
Subject: Welltec Machinery v. Taylor's Industrial

Gabe confirming our telephone conversation on Friday, April 11, 2008, I understand that your client Welltec Machinery has agreed to a thirty (30) day extension of time in which my client Taylor's Industrial is to move or plead to the complaint filed by Welltec Machinery. You stated that the Court does not require a stipulation or pleading to accomplish this extension. Please confirm that my understanding of the foregoing is correct. Thanks, Tim

Timothy A. Riedel
 Bailey Cavalieri LLC
 10 West Broad Street, Suite 2100
 Columbus, Ohio 43215
 Phone: (614) 229-3288
 Fax: (614) 221-0479
 E-Mail: Timothy.Riedel@BaileyCavalieri.com

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EXHIBIT I

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Wednesday, April 23, 2008 10:55 AM
To: 'Timothy Riedel'
Cc: Tony Handal
Subject: Welltec v. Taylor's/HPM

Mr. Riedel,

I'm writing to follow up on my client's counter-offer to Taylor's/HPM as well as the required stipulation and order for extension of time to respond to the complaint. Please provide me with an update at your earliest convenience. Thanks.

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: <mailto:ghedrick@handal-law.com>

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EXHIBIT J

Gabriel Hedrick

From: Tony Handal
Sent: Wednesday, April 30, 2008 4:28 PM
To: Gabriel Hedrick
Subject: FW: Welltec Machinery USA, Inc. v. Taylor's Industrial Services, LLC, et al., Case No. 37-2008-00076792-CU-BC-CTL
Attachments: 4-30-08 Letter to Anton Handal.pdf

From: Lori Patterson [mailto:lori.patterson@baileycavalieri.com] **On Behalf Of** Timothy Riedel
Sent: Wednesday, April 30, 2008 1:43 PM
To: Tony Handal
Cc: Timothy Riedel
Subject: Welltec Machinery USA, Inc. v. Taylor's Industrial Services, LLC, et al., Case No. 37-2008-00076792-CU-BC-CTL

Dear Mr. Handal,

Please see the attached correspondence regarding the above-referenced matter.

Thank you.

Tim Riedel

Timothy A. Riedel
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215
Phone: (614) 229-3288
Fax: (614) 221-0479
Timothy.Riedel@BaileyCavalieri.com

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BAILEY CAVALIERI LLC
ATTORNEYS AT LAW

One Columbus 10 West Broad Street, Suite 2100 Columbus, Ohio 43215-3422
telephone 614.221.3155 facsimile 614.221.0479
www.baileycavalieri.com

direct dial: 614.229.3288
email: Timothy.Riedel@BaileyCavalieri.com

April 30, 2008

Anton Handal, Esq.
Handal & Associates
1200 Third Avenue, Suite 1321
San Diego, CA 92101

Via E-Mail : anh@handal-law.com
and First Class U.S. Mail

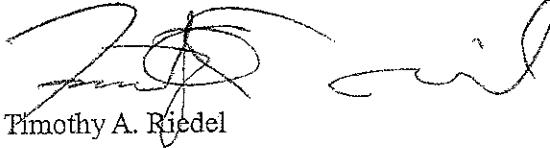
Re: Welltec Machinery USA, Inc. v. Taylor's Industrial Services, LLC, et al.
Case No. 37-2008-00076792-CU-BC-CTL

Dear Mr. Handal:

This letter serves to confirm our telephone conversation today regarding an extension of time in which Taylor's Industrial has to move or plead to the Complaint filed in the above-referenced action. As we discussed, Taylor's recently advised us of the pendency of this action and is currently seeking to retain local counsel should the matter not be resolved. As we further discussed, we have been engaged in settlement discussions and the exchange of information. Mr. Hedrick and I have previously agreed to an extension of time to mid-May. I understand that this letter will assist you in obtaining Court approval of that extension. We appreciate your efforts and professional courtesy and look forward to working with you to resolve this matter.

Very truly yours,

BAILEY CAVALIERI LLC


Timothy A. Riedel

TAR/lap

EXHIBIT K

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Tuesday, May 06, 2008 3:20 PM
To: 'Timothy Riedel'
Subject: Welltec v. Taylors
Attachments: CIV144.pdf

Tim,

Attached is a local form that your client needs to fill out regarding our agreed upon extension of time for your client to respond. If your client has not yet retained local counsel. I believe this is the appropriate form in lieu of a stipulation and order. Your client will just need to fill in the reasons for the inability to respond, e.g., parties agreed to extend time to respond until May 16, 2008 while parties attempted to negotiate settlement and Defendant attempted to retain local counsel. Please call if you have any questions.

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: <mailto:ghedrick@handal-law.com>

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> HALL OF JUSTICE, 330 W BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-6200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		
PLAINTIFF(S)/PETITIONER(S)		<input type="checkbox"/> I/C JUDGE _____
DEFENDANT(S)/RESPONDENT(S)		<input type="checkbox"/> MASTER CALENDAR _____ <input type="checkbox"/> DEPT _____
CERTIFICATE OF: PROGRESS; INABILITY TO RESPOND; INABILITY TO DEFAULT (San Diego Superior Court Rules: Division II, rules 2.5, 2.6, 2.7, 2.34; Division IV rules 4.169 & 4.170)		CAGE NUMBER _____

MUST BE FILED ON COURT APPROVED FORM WITH A STAMPED, SELF-ADDRESSED ENVELOPE OR MESSENGER SERVICE SLIP.
 The plaintiff(s) defendant(s) in the above-entitled case, by and through their attorney(s) _____
 certify that: (CHECK ONE BOX) _____

3C1 Plaintiff has been unable to serve the complaint on defendant(s) _____
 (May list more than one defendant)

3C1 Plaintiff requests stay under claim for uninsured/underinsured as to: _____
 (ALL or list individual(s))

3C5 Defendant was served on _____, and is unable to answer or otherwise respond.

3C8 Plaintiff served defendant on _____, but was unable to request entry of default.

Therefore, it is requested that the time be extended until _____ for filing of a(n):

- CERTIFICATE OF SERVICE (SDSC CIV-345)
- ANSWER OR OTHER DEFENDANT APPEARANCE
- REQUEST FOR ENTRY OF DEFAULT (SDSC CIV-204)

Reason(s): _____

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Dated: _____ SIGNATURE OF ATTORNEY(S)

FOR COURT USE ONLY

EXTENSION GRANTED - DOCUMENT CHECKED ABOVE SHALL BE FILED NOT LATER THAN: _____

EXTENSION DENIED - THIS MATTER IS SET FOR HEARING ON: _____ AT: _____ M. DEPT: _____
 INSUFFICIENT REASON FOR DELAY OF CASE.
 OBTAIN ORDER FOR PUBLICATION IMMEDIATELY.

DATED: _____ JUDGE OF THE SUPERIOR COURT

NOTICE TO COUNSEL REQUESTING EXTENSION: After Court's decision, you must serve a copy of this certificate on all counsel concerned.

**CERTIFICATE OF:
PROGRESS; INABILITY TO RESPOND; INABILITY TO DEFAULT**

EXHIBIT L

Gabriel Hedrick

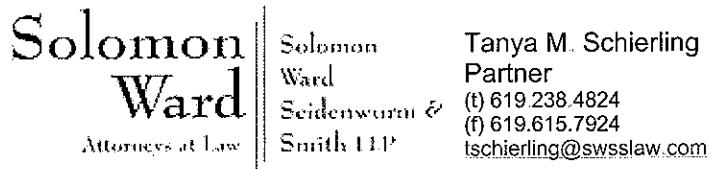
From: Tanya M. Schierling [TSchierling@swsslaw.com]
Sent: Monday, May 19, 2008 8:54 PM
To: Gabriel Hedrick
Subject: Welltec v. Taylor's
Importance: High

Dear Gabriel,

My firm has been retained by Taylor's in the lawsuit filed by Welltec in Superior Court. On Friday we filed a notice of removal to federal court and, for Taylor's responsive pleading, intend to file a motion to dismiss for lack of personal jurisdiction & improper forum or, alternatively, to stay the action pending arbitration or, alternatively, to transfer the case to federal court in Ohio. I understand from my client that, other than transport of the equipment through the port of entry at Long Beach, CA, there is no other nexus for this case to be in California. If plaintiff believes such a nexus exists, please provide me with those facts so that I can advise my client accordingly. Also, to avoid the expense and time that our anticipated motions will require, will Welltec stipulate to dismiss and refile the case in (or transfer the case to) Ohio? Given the very short timeframe we have to work with (pursuant to FRCP 81(c), I believe Taylor's must file a responsive pleading within 5 days of the notice of removal), I'd ask that you let me know if your client will stipulate to a dismissal/transfer by noon tomorrow. Understanding you may require more time, I would alternatively suggest we stipulate to extend by 15 days the date by which Taylor's must file its responsive pleading in federal court.

I will be in a deposition out of the office all day tomorrow, but please either give me a call or send me an email--I will be checking both regularly throughout the day.

Thank you,
 Tanya Schierling



401 B Street Suite 1200 | San Diego CA 92101 | www.swsslaw.com

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EXHIBIT M

Gabriel Hedrick

From: Tanya M. Schierling [TSchierling@swsslaw.com]
Sent: Wednesday, May 21, 2008 7:01 PM
To: Gabriel Hedrick
Subject: Re: Welltec v. Taylor's

Gabe,

Thanks for your voicemail. I hope to hear from you tomorrow (Thursday) morning. If you don't have a definitive answer from your client by then re stipulating to transfer the case to Ohio, would you grant us a 10 day extensipn of time to file our responsive pleading?

----- Original Message -----

From: Tanya M. Schierling
To: 'ghedrick@handal-law.com' <ghedrick@handal-law.com>
Sent: Mon May 19 20:54:28 2008
Subject: Welltec v. Taylor's

Dear Gabriel,

My firm has been retained by Taylor's in the lawsuit filed by Welltec in Superior Court. On Friday we filed a notice of removal to federal court and, for Taylor's responsive pleading, intend to file a motion to dismiss for lack of personal jurisdiction & improper forum or, alternatively, to stay the action pending arbitration or, alternatively, to transfer the case to federal court in Ohio. I understand from my client that, other than transport of the equipment through the port of entry at Long Beach, CA, there is no other nexus for this case to be in California. If plaintiff believes such a nexus exists, please provide me with those facts so that I can advise my client accordingly. Also, to avoid the expense and time that our anticipated motions will require, will Welltec stipulate to dismiss and refile the case in (or transfer the case to) Ohio? Given the very short timeframe we have to work with (pursuant to FRCP 81(c), I believe Taylor's must file a responsive pleading within 5 days of the notice of removal), I'd ask that you let me know if your client will stipulate to a dismissal/transfer by noon tomorrow. Understanding you may require more time, I would alternatively suggest we stipulate to extend by 15 days the date by which Taylor's must file its responsive pleading in federal court.

I will be in a deposition out of the office all day tomorrow, but please either give me a call or send me an email--I will be checking both regularly throughout the day.

Thank you,
Tanya Schierling

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<<http://www.swsslaw.com/>> <<http://www.swsslaw.com/>>

Tanya M. Schierling
Partner
(t) 619.238.4824
(f) 619.615.7924
tschierling@swsslaw.com

401 B Street Suite 1200 | San Diego CA 92101 | www.swsslaw.com <<http://www.swsslaw.com>>

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EXHIBIT N

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Thursday, May 22, 2008 3:54 PM
To: 'Tanya M. Schierling'
Cc: Tony Handal
Subject: RE: Welltec v. Taylor's

Tanya,

Mr Handal was not able to meet with our client yesterday, but is expected to meet with them sometime today (Hong Kong time). My only reservation regarding your request for an extension of time to respond is that we served your client with the Complaint in early March and have already approved two extensions requested by Timothy Riedel. My client has already expressed concern that this matter has been postponed for too long. However, I will have Mr. Handal pass your request on to our client and I will let you know their response as soon as possible.

Also, in my voicemail message to you yesterday, I asked you about arbitration. If your client's intention is to move to transfer the case to Ohio and then move to compel arbitration, maybe we ought to discuss the arbitration issue before you expend the time on your motions. If you can provide me your thoughts on the issue this afternoon, I can pass them on to my client so they can make a more informed decision regarding how to proceed regarding your request to transfer and your request for an extension of time to respond. Thanks.

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: <mailto:ghedrick@handal-law.com>

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From: Tanya M. Schierling [mailto:TSchierling@swsslaw.com]
Sent: Wednesday, May 21, 2008 7:01 PM
To: Gabriel Hedrick
Subject: Re: Welltec v. Taylor's

Gabe,

Thanks for your voicemail. I hope to hear from you tomorrow (Thursday) morning. If you don't have a definitive answer from your client by then re stipulating to transfer the case to Ohio, would you grant us a 10 day extensipn of time to file our responsive pleading?

----- Original Message -----

From: Tanya M. Schierling
To: 'ghedrick@handal-law.com' <ghedrick@handal-law.com>
Sent: Mon May 19 20:54:28 2008
Subject: Welltec v. Taylor's

Dear Gabriel,

My firm has been retained by Taylor's in the lawsuit filed by Welltec in Superior Court. On Friday we filed a notice of removal to federal court and, for Taylor's responsive pleading, intend to file a motion to dismiss for lack of personal jurisdiction & improper forum or, alternatively, to stay the action pending arbitration or, alternatively, to transfer the case to federal court in Ohio. I understand from my client that, other than transport of the equipment through the port of entry at Long Beach, CA, there is no other nexus for this case to be in California. If plaintiff believes such a nexus exists, please provide me with those facts so that I can advise my client accordingly. Also, to avoid the expense and time that our anticipated motions will require, will Welltec stipulate to dismiss and refile the case in (or transfer the case to) Ohio? Given the very short timeframe we have to work with (pursuant to FRCP 81(c), I believe Taylor's must file a responsive pleading within 5 days of the notice of removal), I'd ask that you let me know if your client will stipulate to a dismissal/transfer by noon tomorrow. Understanding you may require

I will be in a deposition out of the office all day tomorrow, but please either give me a call or send me an email--I will be checking both regularly throughout the day.

Thank you,
Tanya Schierling

<<http://www.swsslaw.com/>>
<<http://www.swsslaw.com/>> <<http://www.swsslaw.com/>>

Tanya M. Schierling
Partner
(t) 619.238.4824
(f) 619.615.7924
tschierling@swsslaw.com

401 B Street Suite 1200 | San Diego CA 92101 | www.swsslaw.com <<http://www.swsslaw.com/>>

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EXHIBIT O

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Tuesday, May 27, 2008 5:41 PM
To: 'Tanya M. Schierling'
Cc: Tony Handal
Subject: Welltec v. Taylor's

Tanya,

I apologize for not getting back to you on Friday. Because of the time difference in Hong Kong, I was not able to communicate with Mr. Handal before the close of business on Friday. Mr. Handal did speak with our client contact in Hong Kong and Welltec is willing to stipulate to a venue transfer. Please provide me with a draft stipulation to review. Thank you and I apologize for the unavoidable delay in getting back to you

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: <mailto:ghedrick@handal-law.com>

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EXHIBIT P

Gabriel Hedrick

From: Tanya M. Schierling [TSchierling@swsslaw.com]
Sent: Thursday, May 29, 2008 9:10 PM
To: Gabriel Hedrick
Cc: Tony Handal
Subject: RE: Welltec v. Taylor's

Gabe,

I have been trying to get in touch with my client. I will get back to you once I have done so. Thanks for the email.

Tanya

From: Gabriel Hedrick [mailto:GHedrick@Handal-Law.com]
Sent: Tuesday, May 27, 2008 5:41 PM
To: Tanya M. Schierling
Cc: Tony Handal
Subject: Welltec v. Taylor's

Tanya,

I apologize for not getting back to you on Friday. Because of the time difference in Hong Kong, I was not able to communicate with Mr. Handal before the close of business on Friday. Mr. Handal did speak with our client contact in Hong Kong and Welltec is willing to stipulate to a venue transfer. Please provide me with a draft stipulation to review. Thank you and I apologize for the unavoidable delay in getting back to you.

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619 544.6400 • Fax: 619 696 0323 • Email: <mailto:ghedrick@handal-law.com>

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EXHIBIT Q

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Wednesday, June 04, 2008 8:45 AM
To: 'Tanya M. Schierling'
Subject: Welltech v. Taylor's

Hi Tanya,

I'm just following up on my request to stipulate to the venue transfer. Have you had an opportunity to talk to your clients about that yet? I'd like to figure out where we are soon so that, if we stipulate, we can get it on file before the opposition to your motion is due. Thanks.

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619 544 6400 • Fax: 619 696.0323 • Email: <mailto:ghedrick@handal-law.com>

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EXHIBIT R

Gabriel Hedrick

From: Gabriel Hedrick
Sent: Monday, June 16, 2008 9:38 AM
To: 'Tanya M. Schierling'
Cc: 'mvasseghi@swsslaw.com'; Tony Handal
Subject: Welltec v. Taylor's
Attachments: 06.16.08 Transfer Stip.doc

Tanya,

I was out of the office Friday afternoon and unfortunately did not receive your voice mail message until this morning. Attached is a draft stip and order to transfer venue. Please let me know if you have any changes. If not, please sign and send the signature page out to me and I will have the document filed today.

Also, in a few of my messages to you, I asked you about whether Taylor's will ultimately be seeking to compel arbitration. You have not yet responded to this question. Your motion to transfer seeks to compel arbitration as an alternative to transfer to the District Court in Ohio, but I'm not clear whether that is ultimately where Taylor's wants to go. If so, please let me know so we can discuss arbitration as an alternative to commencing litigation in Ohio. Thanks.

Gabe

Handal & Associates lawyers and counselors at law

Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: <mailto:ghedrick@handal-law.com>

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ANTON N. HANDAL, ESQ (SBN: 113812)
PAMELA C. CHALK, ESQ. (SBN # 216411)
GABRIEL G. HEDRICK, ESQ. (SBN # 220649)
HANDAL & ASSOCIATES
1200 Third Avenue, Suite 1321
San Diego, CA 92101
Tel.: 619.544.6400
Fax: 619.696.0323

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

WELLTEC MACHINERY USA, INC., a California Corporation as assignee of WELLTEC MACHINERY, LIMITED, a Hong Kong registered Company, Plaintiff, v. TAYLOR'S INDUSTRIAL SERVICES, LLC a/k/a HPM DIVISION, and DOES 1 through 100. Defendants.) Case No.: 08CV0877 BEN (LSP)))))) **STIPULATION AND ORDER TO TRANSFER ACTION**))))) Judge: Roger T. Benitez) Ctrm: 3)))))

The parties to this action stipulate, through their undersigned counsel, that the action now pending in the above-entitled Court shall be transferred for all purposes to the Southern District of Ohio. It is further stipulated that the costs and fees for this transfer shall be paid jointly by the parties.

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111

1 **IT IS SO STIPULATED.**

2 **HANDAL & ASSOCIATES**

3
4
5 DATED: _____ By: _____

6 Gabriel G. Hedrick
7 Attorneys for Plaintiff,
8 WELLTEC MACHINERY USA, INC. as assignee of
9 WELLTEC MACHINERY LIMITED

10 **SOLOMON WARD SEIDENWURM & SMITH LLP**

11
12 DATED: _____ By: _____

13 Tanya M. Schierling
14 Michael M. Vasseghi
15 Attorneys for Defendant,
16 TAYLOR'S INDUSTRIAL SERVICES, LLC a/k/a
17 HPM DIVISION

18 **IT IS SO ORDERED.**

19
20 Dated: _____ U.S. DISTRICT COURT JUDGE

EXHIBIT S

Gabriel Hedrick

From: Tanya M. Schierling [TSchierling@swsslaw.com]
Sent: Monday, June 16, 2008 6:30 PM
To: Gabriel Hedrick
Cc: Michael M. Vasseghi; Tony Handal
Subject: RE: Welltec v. Taylor's

Gabe,

Thanks for drafting the stipulation. Recall that I had attempted to avoid my client incurring the expense of bringing this motion by asking for your client's stipulation to transfer on the Monday before the Friday our motion was due. Understanding your client might need time to consider the request, I alternatively proposed a 10-15 day extension of time so that my client would not spend the money on the motion only to find out that your client was willing to stipulate to a transfer. Your client was not willing to grant the extension, but then two days after we filed our motion, agreed to transfer venue. My client should therefore be compensated for incurring this unnecessary expense. The stipulation should provide that the fees and costs associated with the transfer should be borne by your client. I don't have all of the filing and service costs in to my accounting department yet but my rough estimate of the fees and costs is \$7,500.

Thanks,
Tanya

From: Gabriel Hedrick [mailto:GHedrick@Handal-Law.com]
Sent: Monday, June 16, 2008 9:38 AM
To: Tanya M. Schierling
Cc: Michael M. Vasseghi; Tony Handal
Subject: Welltec v. Taylor's

Tanya,

I was out of the office Friday afternoon and unfortunately did not receive your voice mail message until this morning. Attached is a draft stip and order to transfer venue. Please let me know if you have any changes. If not, please sign and send the signature page out to me and I will have the document filed today.

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Gabe

Handal & Associates lawyers and counselors at law
Gabriel G. Hedrick • 1200 Third Avenue • Suite 1321 • San Diego • California • 92101 • Phone: 619.544.6400 • Fax: 619.696.0323 • Email: ghedrick@handal-law.com

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EXHIBIT T



Trade Fair Dates

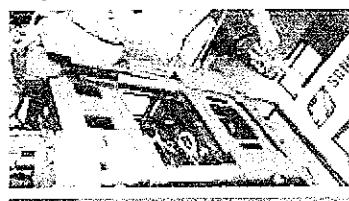
Innovations



Taylors

Worldwide

Careers



Welcome to HPM America



Is your company located in California, Arizona, Utah, Nevada...

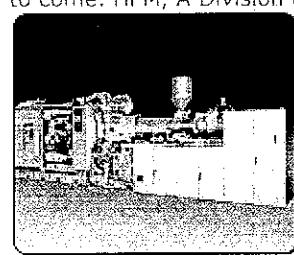
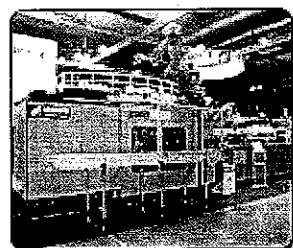
Complete Plastics Systems of Acworth, Georgia will represent HPM...

Are you working out of the Illinois or Wisconsin area?



- Request Information
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Milan, Italy



International News Channel France 24 Filming at HPM / Mt. Gilead

Mount Gilead, OH February 25, 2008

As costs for traditional fossil fuel sources keep increasing along with production costs to manufacture electricity many people, communities and government agencies have started to look towards a free "green" renewable energy source - wind.

Wind generated electricity is now very close in cost to the power from conventional utility generation in some locations. Wind energy is the world's fastest growing energy source and will power industry, businesses and homes with clean, renewable electricity for many years to come. HPM, A Division of Taylor's Industrial Services, LLC for 130 years has been manufacturing and supplying injection molding, die cast and extrusion systems to a world wide market.

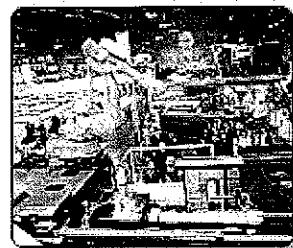
In 2006 HPM entered into a new and exciting field of contract manufacturing of large components for wind turbines. HPM has recently expanded and launched new state of the art wind energy manufacturing centers at its facilities in Mt. Gilead, Ohio.

On Wednesday, February 27th Mr. Guillaume Meyer and a film crew from the French International TV channel France 24 will be at HPM to do a short piece on HPM's involvement in the wind energy industry.

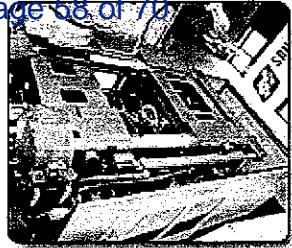
France 24 has positioned itself as a genuine challenger of the historic channels such as CNN, the BBC or Al Jazeera offering programming in French, English and Arabic to countries all over the world, and through 21 free-to-air channels streaming exclusively on the internet.

France 24 has an international brand awareness of which ranges from 25% to 85% depending on the geographical area.

In Europe France 24 achieved a weekly market share of 9% as soon as it was launched in 2006, which is double Al Jazeera's figure (4%) and one third that of BBC World (27%). Source EOLS April/July 2007



coming in top among international news sites in Germany, Italy, Spain and France. It is an internationally recognized site, with 84% of its audience outside France. Source Nielsen NetRatings September 2007



Taylor's Industrial Services LLC is a leader in manufacturing, heavy-duty hauling, aviation and property management. Its HPM Division manufactures and supplies extrusion systems, injection molding machines and die casting equipment from its headquarters in Mount Gilead, Ohio, U.S.A. HPM Division maintains a network of manufacturer representatives and consultants that cover Mexico/Latin America, China and the Pacific Rim, and Europe. In the U.S. and Canada, HPM Division works directly with customers.

Founded in 1877, HPM has a proven history in quality, service and innovation. HPM offers equipment remanufacturing, and aftermarket parts and services through Taylor Support Services (TSS).

In an effort to keep up with the global demand for its' plastic processing equipment and to tap into an exciting new market HPM opened an operations office in Chennai, India in 2006 that houses sales, service, support and engineering. HPM is also in discussions to develop a future manufacturing facility in the region.



Image1

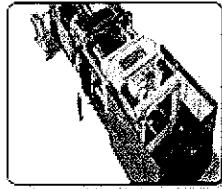


Image2

[† Top](#)

**Is your company located in California, Arizona, Utah,
Nevada...**

Is your company located in California, Arizona, Utah, Nevada or 50 miles over the Mexican border from California and Arizona then call The Dabr Company of Fullerton, CA our representatives for Extrusion, injection molding and die cast machines JR Duff, President of Dabr will be welcome your call The number is 714-996-7710

EXHIBIT U

New England

- **GAP Plastics**

49 Sheffield Terrace
Marlboro, MA 01752

ph. 508-229-0635
fax. 508-2290635

Contact:
Dick McGrath
Mickey Blyskal

Mid-Atlantic

- **Adam Kreuter Associates**

140 Metro Park
Rochester, NY 14623

ph. 716-426-4070
fax. 716-426-4096

Contact:
Jim Carlin
Joe Oliveri

- **Adam Kreuter Associates - PA Office**

1115 Powell Avenue
Erie, PA16505

ph. 814-833-6599
fax. 814-833-6642

Contact:
Steve Wright

Southeast

- **Complete Plastic Systems, Inc.**

645 Henderson Drive, Suite 5
Cartersville, GA 30120

ph. 770-424-2942
fax. 770-974-9289

Contact:
Scott Jacobs
Lance Jacobs
Frank Ruff
Wes Moffitt

Midwest/Southwest

- **Barry Sales Engineering, Inc.**

ph. 314-821-2525
fax. 314-821-8467

Contact:
Chris Barry
Timothy Ducey

• **Barry Sales Engineering, Inc.**

8234 Robinson Street
Overland Park, KS 66204

ph. 913-642-0270
fax. 913-649-6149

Contact:
Jeffery Ross
Nick Klukvin

• **Bear Machinery Sales**

14924 Poplar Road
PO Box 734
Orland Park, IL 60462-0734

ph. 708-403-2327
fax. 708-403-4643

Contact:
Ron Kudirka
Bob Meskimen

• **Millholland-Conrad, Inc.**

17735 Commerce Drive
Westfield, IN 46074

ph. 317-867-4848
fax. 317-896-9539

Contact:
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Bill Millholland
Brian Scoggin
Bob Grzegorek

John L. Stumpf
ph. 812-544-2609
fax. 812-544-2609

Ron Hebert
1058 Mount Vernon Drive
Greenwood, IN 46142
ph. 317-865-1408
fax. 317-865-0245

Mark Padgett
1519 Crown Point Lane
Loveland, OH 45140
ph. 513-683-9846
fax. 513-683-9847

Mountain/West

• **Total Plastics**

A Division of Total Machinery Sales, Inc.

12121 NE 99th Street
Vancouver, WA 98682

ph. 360-260-5034
fax. 360-260-5110

Contact:
David Austin

• **DABR Industries**

920 Via Rodeo Drive
Placentia, CA 92870

ph. 714-996-7710
fax. 714-986-2266

Contact:
J.R. Duff
Boyd Renner
Eric Tochner

Canada

• **Hamilton Avetec, Inc.**

260 Brunel Road
Mississauga, ONT L4Z 1T5

ph. 905-568-1133
fax. 905-568-0785

Contact:
Richard Hamilton
Tony Rodrigues
Barry Quigg
Ludwig Stegu
Leslie Joanovits
Paul Walters

• **Hamilton Avetec, Inc. - Quebec Office**

3214 Rue Francis-Hughes
Laval, QUE H7L 5A7

ph. 450-688-6070
fax. 450-668-1993

Contact:
Jaques Lemay
Rejean Malette

• **Total Plastics**

7218 Progress Way, Suite 8
Delta, BC V4G 1H2

ph. 604-946-8115
fax. 604-946-5999

Contact:

EXHIBIT V



4,405,386 articles and books

Periodicals Literature

Keyword Title Author Topic

The Free Library > Business and Industry > Business > Rubber World > May 1, 1999
 The Free Library > Business and Industry > Chemicals, plastics and rubber > Rubber World > May 1, 1999
 The Free Library > Date > 1999 > May > 1 > Rubber World

Chronos Richardson secures contract with Optimit A.S.

SSO Authentication Paper
 Learn about managing Smart Cards and tokens from one Admin framwork
 Imprivata.com/HIPAA
 Contract Law
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 www.izquick.com
 SQF Training Compliance
 Safe Quality Food (SQF) compliance gets easier with SISTEM training.
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Chronos Richardson, Nottingham, U.K., has secured a contract with specialist hose manufacturer Optimit A.S., a member of the Semperit Group. Valued at over 400,000, [pounds sterling] the contract involves supplying small chemical weighing systems to Optimit's factory in the Czech Republic. Optimit's advanced rubber and plastic hose manufacturing processes are certified to ISO 9001. For this order, Chronos Richardson has integrated five different elements into a weighing and batching control system for the precision preparation of small chemical powders and special liquids.

The Injection Molding Business Unit of HPM, Mount Gilead, OH, a manufacturer of injection molding machines, extrusion systems and die casting machines, has named CNSMITH Plastics Machinery Sales, Georgetown, Ontario, Canada, as its exclusive sales representative for its entire range of injection molding machinery, as well as remanufactured machines. HPM's Injection Molding Business Unit also named DABR Industries, Placentia, CA, as its sales representative. The firm will represent HPM in all of California, Arizona, Nevada, Utah and the border states of Mexico.

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Ciba Specialty Chemicals, Performance Polymers and Z Corp., Somerville, MA, announced a research and development partnership to generate new materials for the rapid generation of three-dimensional models and prototypes.

Ford Motor announced that NRI Industries, Toronto, Ontario, Canada, has met all Ford requirements for full service supplier status.

GreenMan Technologies, Lynnfield, MA, reported that its Georgia-based subsidiary, GreenMan Technologies of Georgia, has completed the clean-up of nearly one million scrap tires and residual piled near Roberta, GA, after receiving a contract from the Georgia Department of Natural Resources. GreenMan now expects to begin cleaning up a 1.35 million scrap tire pile near Savannah, GA, relative to an additional contract with the Georgia Department of Natural Resources.

M.F. Cachat, Cleveland, OH, has been selected by Kerr-McGee Chemical LLC to represent their rutile and anatase Ti[O sub.2] product lines, under the tradename of Tronox, in the midwest, including Ohio, Michigan, Kentucky, West Virginia, southern Indiana, western Pennsylvania and western New York.

ISA, the International Society for Measurement and Control, and VDI/VDE-GMA Gesellschaft Mess- Und Automatisierungstechnik (the Society for Measurement and Automatic Control), signed an agreement defining future cooperation and joint activities between the two societies.

Recent distribution agreements with technical book publishers Technomic, SPE and Kluwer (incorporating Chapman & Hall and Plenum) are said to have confirmed Rapra Technology as the leading global supplier of polymer-related publications. These agreements add to those already established in less than 18 months with publishing houses Wiley VCH, TAPPI, Woodhead, Institute of Materials and the longer standing agreement with the USA Plastics Design Library (now incorporating Chemtec and Noyes Publications). They will add over 150 polymer titles to the 500 in the Rapra 1998 Publications Catalog.

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Comment: Chronos Richardson secures contract with Optimit A.S.

Publication: Rubber World

Geographic Code: 4EUUK

Date: May 1, 1999

Words: 541

Previous Article: Ferro acquires Advanced Polymer Compounding.

Next Article: Goodyear repeats as "Most Admired Company"

Topics: Hose (Equipment)
 Plastic hose
 Plastics industry
 Contracts
 Rubber industry
 Contracts

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Related Articles

Rubena. (Polish rubber factory has Chronos Richardson build new millroom) (Brief Article)

Stomil. (orders equipment from Chronos Richardson) (Brief Article)

Chronos Richardson Ltd. (Contracts, Licenses) (Brief Article)

Chronos Richardson. (Batch Blending Group forms manufacturer's representative network)(Contracts, Licenses) (Brief Article)

Chronos Richardson.(signs contract with BTR Industrial Products Co for batch transfer and mixer feed system)(Brief Article)

Chronos Richardson Batching Systems Group. (names Rolf Schlicht GmbH its representative for Austria, Germany and Switzerland)(Brief Article)

Chronos Richardson Batching Systems Group. (to supply equipment to Turkey's Belitan A.S. and Compania Ecuadoriana del Caucu)(Contracts)

Chronos Richardson (contract with Empresa Industrial)(Brief Article)

Engineers from BMH Chronos Richardson's Weighing and Batching Systems subsidiary office in Kuala Lumpur have commissioned equipment for a project...

Elevator system (Up Front)

International Marketing (IMI), makers of Equal Tire Performance, a dry granular polymer formula that can be injected into tires through the valve stem to provide accurate, continuous, maintenance-free balancing for the life of the tread, announced the signing of an agreement that made Valvoline a distributor of Equal for commercial heavy duty applications. IMI has also been granted parts manufacturer approval by the Federal Aviation Administration

Entela, Grand Rapids, MI, announced the formation of Entela Hong Kong Ltd , a 50-50 joint venture with the Hong Kong Standards and Testing Centre

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The Free Library > Business and Industry > Business > Rubber World > May 1, 1999
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Publications by Name	Publications by Date	Authors	Literature
A-D E-O P-T U-Z	74 75 78 80 82 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08	A B C D E F G H I J K L M N O P Q R S T U V W X Y Z	A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

EXHIBIT W

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DABR named HPM sales rep. (Brief Article)

From: Rubber & Plastics News Date: April 5, 1999 More results for: [dabr hpm](#) | Copyright information

HPM Corp.'s Injection Molding Business Unit named DABR Industries its sales representative for California, Arizona, Nevada, Utah and the border states of Mexico.

The Placentia, Calif., firm will sell

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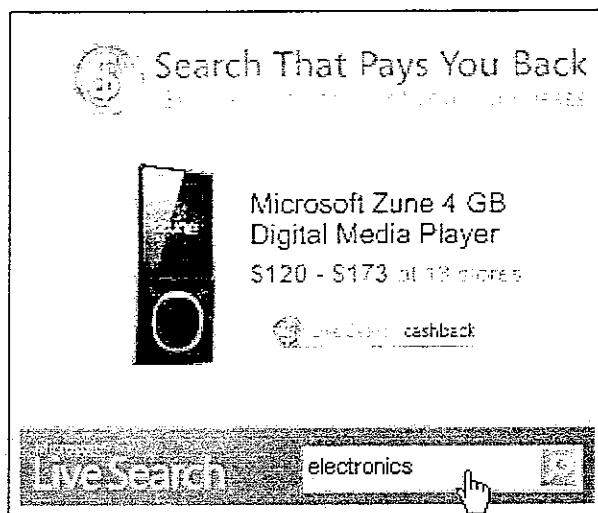
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